IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

CIVIL APPLICATION NO. 1303 OF 2000

IN

FIRST APPEAL (STAMP) NO. 25751 OF 1999

Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. S.N.Gawade, AGP for the Applicant.

Mr. P.N.Joshi for the Respondents.

CORAM: S.B.DESHMUKH, J.

DATE : 24TH AUGUST,2006

P.C.:

Heard learned Assistant Government Pleader for the applicant as well as learned Counsel appearing for the respondents.

2. By this application, the applicant is seeking condonation of 101 days delay occurred in filing the first appeal in this Court. The delay

caused is, explained in paragraph nos.3 and 4 of the civil application. I am satisfied that just and sufficient ground, is established for condonation of delay.

3. In the result, delay of 101 days in filing the first appeal in this Court is condoned. The civil application, accordingly, is allowed and disposed of.

Sd/-

(S.B.DESHMUKH, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

CIVIL APPLICATION NO. 2277 OF 2002

IN

FIRST APPEAL (STAMP) NO. 25751 OF 1999

Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. S.N.Gawade, AGP for the Applicant.

Mr. P.N.Joshi for the Respondents.

CORAM: S.B.DESHMUKH, J.

DATE : 24TH AUGUST,2006

P.C.:

Heard learned Assistant Government Pleader for the applicant as well as learned Counsel appearing for the respondents.

2. The respondent no.1A, Mr.Kashinath Kondaji Jadhav, died on 22nd August,

1999 during the pendency of the first appeal in this Court. By this application, the applicant is seeking condonation of about 2 years and 128 days delay, occurred in filing the application for substitution of legal representatives of respondent no.1A - Mr. Kashinath Kondaji Jadhav. The explanation, for delay, is tendered in paragraph nos.2 and 3 of the civil application.

3. According to the applicant, notice issued by this Court to respondent no.1A - Mr. Kashinath Kondaji Jadhav, was returned unserved with an endorsement that respondent no.1A died. Thereafter, inquiry was launched on behalf of the applicant seeking details of the legal representatives of deceased respondent no.1A - Kashinath Kondaji Jadhav and on receipt of such details, this application for substitution is filed.

4. Having heard the learned Counsel for the parties, in my view, just and sufficient ground is established for condonation of delay.

5. In the result, the civil application is allowed in terms of prayer clauses 4(b), (c) and (d). Necessary amendments to be carried out within a period of two weeks from today.

Sd/-

(S.B.DESHMUKH, J.)